

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

-----X  
GIUFFRE MOTOR CAR CO., LLC d/b/a  
GIUFFRE KIA, GIUFFRE HYUNDAI, LTD.  
and JOHN GIUFFRE,

Plaintiffs

Case No.:

**NOTICE OF REMOVAL**

-against-

KIA MOTORS AMERICA, INC.  
HYUNDAI MOTOR AMERICA, AND  
HYUNDAI CAPITAL AMERICA, INC.,

Defendants.

-----X  
  
**PLEASE TAKE NOTICE** that Defendants Kia Motors America, Inc. (“KMA”) and Hyundai Motor America (“HMA”), by and through their undersigned counsel, pursuant to 28 U.S.C. §§ 1441 and 1446, hereby remove this action from the Supreme Court of the State of New York, County of Kings, to the United States District Court for the Eastern District of New York, and as grounds for removal state as follows:

1. On or about March 12, 2015, Plaintiff Giuffre Motor Car Co., LLC d/b/a Giuffre Kia (“Giuffre Kia”) commenced this action by filing a Summons with Notice (the “First Summons with Notice”) in the above-captioned matter in the Supreme Court of the State of New York, County of Kings, under Docket Number 502854/15 (the “State Court Action”). The First Summons with Notice, which identified no co-plaintiffs and named only KMA as a defendant, was never served on KMA or HMA.

2. On July 6, 2015, a Supplemental Summons With Notice was filed on behalf of plaintiffs Giuffre Kia, Giuffre Hyundai, Ltd. ("Giuffre Hyundai"), and John Giuffre (collectively, "Plaintiffs"). The Supplemental Summons With Notice named as defendants KMA, HMA, and Hyundai Capital America, Inc. ("HCA") (collectively, "Defendants"). A copy of the Supplemental Summons With Notice is annexed hereto as Exhibit A.

3. Affidavits of service filed by counsel for Plaintiffs in the State Court Action state that Plaintiffs served each of the Defendants with copies of the Supplemental Summons With Notice on July 6, 2015, by providing copies of same to the Secretary of State of New York, pursuant to New York Business Corporation Law § 306.

4. To the extent the Supplemental Summons With Notice constitutes an "initial pleading" under 28 U.S. Code § 1446(b), this Notice of Removal is timely since it is filed within thirty (30) days of Defendants' receipt of the Supplemental Summons With Notice.

5. This Court has original jurisdiction of this matter pursuant to 28 U.S.C. § 1331 because the Supplemental Summons With Notice states that Plaintiffs are asserting a claim arising under the laws of the United States, *i.e.*, a claim under 15 U.S.C. §1221 *et seq.*, commonly known as the Federal Automobile Dealer's Day in Court Act.

6. This Court also has original jurisdiction pursuant to 28 U.S.C. § 1332(a)(1) because the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs, and the action is between citizens of different states.

7. The Supplemental Summons With Notice asserts that plaintiffs are seeking damages in the amount of ten million (\$10,000,000.00) dollars.

8. There is complete diversity of citizenship between Plaintiffs and Defendants because Plaintiffs are all citizens of the State of New York and Defendants are all citizens of the State of California.

9. Plaintiff John Giuffre is a citizen of New York. Plaintiff Giuffre Kia is a New York limited liability company whose sole member is John Giuffre. Plaintiff Giuffre Hyundai is a New York corporation with its principal place of business in Brooklyn, New York.

10. Each of Defendants KMA, HMA, and HCA is, and was as of the commencement of the State Court Action, a California corporation with its principal place of business in Irvine, California.

11. By filing this Notice of Removal, KMA and HMA do not waive any defense which may be available to them

12. A copy of this Notice will be filed with the Clerk of the Supreme Court of the State of New York, County of Kings, as required by 28 U.S.C. § 1446(d).

13. Defendants KMA and HMA will serve this Notice of Removal on the attorney for Plaintiffs: Russell Shanks, Esq., Cyruli, Shanks, Hart & Zizmor, LLP, 420 Lexington Avenue, New York, New York, 10170, and the attorney for Defendant HCA, Brian D. Koosed, K&L Gates LLP, 599 Lexington Avenue, New York, NY 10022, as required by 28 U.S.C. § 1446(d).

14. Defendant HCA has consented, through its counsel Mr. Koosed, to this removal. A copy of HCA's written consent is annexed hereto as Exhibit B.

15. Pursuant to 28 U.S.C. § 1446(a), copies of all papers filed in the State Court Action are attached hereto as Exhibit C.

WHEREFORE, Defendants KMA and HMA respectfully give notice that this action has been removed from the Supreme Court of the State of New York, County of Kings, to the United States District Court for the Eastern District of New York.

Dated: August 3, 2015

Respectfully submitted,

HOGAN LOVELLS US LLP

By: /s/ John J. Sullivan

John J. Sullivan  
875 Third Avenue  
New York, New York 10022  
john.sullivan@hoganlovells.com  
(212) 918-3000

Attorneys for Defendant Kia Motors  
America, Inc. and Hyundai Motor America